

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No.969 of 2021

Lisham Shamungou Singh	... Petitioner
-Versus-	
State of Manipur	... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
29.08.2024

Present Mr.Athoi, learned counsel for the petitioner and Ms.R.K.Emily, learned Dy Government Advocate for the State respondents.

[2] Petitioner, who was working as Senior Assistant in the Manipur Secretariat Service was placed under suspension for his alleged involvement in a Vigilance Case, Ref: FIR No.117(12)2009-BPR PS u/s 419/420/468 IPC and 13 PC Act for alleged misappropriation of fund for Disaster Management.

[3] Vide order dated 31.08.31.08.2-13 issued by the Under Secretary, (GAD), Government of Manipur, suspension of the petitioner was revoked as no headway in the investigation over the last three years. Vide order dated 31.08.2020, service of the petitioner was terminated on superannuation w.e.f. 31.08.2020. Petitioner is aggrieved by the third condition in the impugned termination order dated 10.12.2021 stating that payment of retirement benefits will be considered only after the conclusion of High Powered Committee. Learned counsel for the petitioner submits that

there is no proceeding of the High Powered Committee and this condition is illegal.

On the other hand, Ms.Emily, learned Dy. Government Advocate submits that name of the petitioner has not been cleared by the High Powered Committee as well as in the Vigilance case and as such, he is not entitled to receive normal pension in terms of Rule 69 of the CCS (Pension) Rules.

[4] Mr.Athoi, learned counsel for the petitioner draws attention of this Court to the provisions of Rule 9 of the CCS (Pension) Rules, which contemplates that pensionary benefit of a retired Government employee cannot be withheld unless he is found guilty in a Judicial or Departmental proceedings. Learned counsel for the petitioner further submits that petitioner has not been found guilty in a Departmental or Judicial Proceedings and as such, State Government cannot withhold pensionary benefits of the petitioner.

Learned counsel for the petitioner informed this Court that in terms of the interim order passed by This Court, provisional pension has been given to the petitioner, however, other retirement benefits are yet to be released in terms of the condition No.3 of the impugned order.

[5] This Court has perused the materials on record and considered the submissions made at the Bar and relevant provisions of law. Admittedly, petitioner was kept under suspension for his involvement in an FIR case and suspension order was later on revoked. Further, there is no Departmental Proceedings against the petitioner, neither has he been found guilty in a Departmental or Judicial Proceedings and as such,

pensionary benefits cannot be withhold in violation of provisions of Rule 9 of the CCS (Pension) Rules. No material is placed before this Court as to the status of the High Powered Committee, within the ambit of Rule 9 CCS (Pension) Rules. For ready reference, impugned order dated 10.12.2021 is reproduced below:

"O R D E R S

Imphal, the 10th December, 2021

No.4/77/80-GAD: Under FR 56, the Governor of Manipur is pleased to order that Shri Lisham Shamungou Singh, (EIN-000222), Senior Secretariat Assistant of Manipur Secretariat has retired from service on attaining the age of superannuation w.e.f. 31.08.2020 (AN).

2. Accordingly, his service has been terminated w.e.f. 31.08.2020 (AN).

3. Further, payment of retirement benefits will be considered only after the conclusion of High Powered Committee.

By orders etc
Sd/-
(Sunanda Thokchom)
Under Secretary (GAD)
Government of Manipur."

[6] In absence of any material as to the status of the High Powered Committee within the meaning of Rule 9 of the CCS (Pension) Rules, pensionary benefit and other retirement benefits of a Government employee cannot be held up by the impugned order.

Accordingly, the writ petition is allowed. The Condition No.3 as contained in the impugned order dated 10.12.2021 is set aside and petitioner is entitled to receive retirement benefits as per Rule.

[6] Respondents are directed to release the retirement benefits within a period of three months from the date of receipt of copy of this order.

Send a copy of this order to respondent No.3 for information and necessary action.

JUDGE

Priyojit

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PRIYOJIT
SINGH

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